IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4483 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MOHANBHAI HARIBHAI SOJITRA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4483 of 1997

MRS KOKILA V ASHAR for Petitioner No. 1-2

MR LB DABHI A.G.P. for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 20/12/2004

ORAL JUDGEMENT

1. Even in the third call, learned advocate for the petitioner is not present.

2. The petitioners have by way of this petition challenged the order dated 11th February, 1997 passed by respondent no. 1, whereby the order passed by the Collector is upheld.

3. Having perused the relevant record, it appears that while admitting the matter, this Court has refused the interim relief. However, the term of the municipality was extended from time to time and for further extension, expenditure were incurred by the councillors. In view of that, order with regard to recovery of amount was passed against the councillors. Moreover, by afflux of time, the amount might have been recovered from the petitioners.

4. In that view of the matter, now nothing survives in this matter. Hence, the petition stands disposed of as having become infructuous. Rule is discharged with no order as to costs.

[K.S. JHAVERI, J.]

/phalguni/